



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shinya Ito **Examiner:** Sarkar, Asok K.
Serial No: 10/763,315 **Art Unit:** 2891
Filed: January 23, 2004 **Docket:** 17381
For: SEMICONDUCTOR DEVICE AND METHOD OF **Dated:** August 3, 2005
FABRICATING THE SAME
Confirmation No. 7794

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT FOR RESTRICTION

Sir:

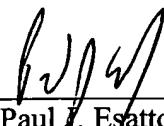
Pursuant to the Restriction Requirement imposed in the Official Action dated May 24, 2005, applicant provisionally elects the claims of Group I, i.e., Claims 1-8, for continued prosecution herein.

Claims 1-14 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. §121. Specifically, the Official Action avers that the following inventions are present in the claims:

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 3, 2005.

Dated: August 3, 2005



Paul J. Esatto, Jr.

Group I, Claims 1-8, drawn to a method of fabricating a semiconductor device, classified in class 438, subclass 664; and


Group II, Claims 9-14, drawn to a device, classified in class 257, subclass 288.

It is the Examiner's position that the inventions listed in Groups I and II are distinct from each other.

In response to the Examiner's requirement for restriction, applicants provisionally elects to prosecute the subject matter of Group I, Claims 1-8. However, applicant reserves the right under 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected claims in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,



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